



**Town of Framingham
Board of Selectmen**

Policy on Powers, Duties, and Obligations of the Board of Selectmen

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Policy Statement

The Board of Selectmen are the Chief Elected Officials of the Town of Framingham, and as such play an intricate role in the affairs of the community. This policy outlines the responsibilities of the Board as policy makers, rights of Board members in their roles as Selectmen and specifically Chairman, and how appointments are made to various Town positions. It also addresses the structure and agenda setting for regular Selectmen's meetings, and how the Board strives to maintain good communication with other Town departments and the community at large.

References

M.G.L. Chapter 39, Section 23 B (Open Meeting Law)

Special Terms

None.

Policy Description

I. General

The Board of Selectmen is an elected board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the by-laws of the Town of Framingham, and the voters of Framingham. Board members are regular Municipal Employees for the purpose of MGL c.268A. In general, the duties of the Board are as follows:

- Uphold the Constitutions of the United States of America and the Commonwealth of Massachusetts, federal and state laws, and Town by-laws;
- Recognize the Board's primary role is to set policy, with responsibility for administration delegated to the Town Manager;
- Recognize that members are part of a collegial body;
- Be well informed concerning the duties of a Board member on both state and local levels;
- Establish annual goals and objectives for itself and the Town;
- Represent the entire community at all times;
- Appoint a Town Manager, and set performance goals and objectives.
- Make appointments to volunteer boards, committees, and commissions;
- Act as the Licensing Board for the Town;
- Sets dates for town meetings as required, and prepares the warrant for annual and special Town meetings.

II. Compensation

Each member of the Board shall be compensated as determined by vote of Town Meeting. Members of the Board are entitled to reimbursement of expenses that are incurred while attending meetings and conferences in carrying out their duties related to their function as Board members as provided in the Massachusetts General Laws.

III. Election and Duties of Board Officers

At its first meeting following the annual Town election in April, the Board shall elect from its membership a Chair, Vice-Chair and a Clerk. Officers shall be elected for a term of one year, and a majority vote shall constitute an election. Nominations of officers shall require both a motion and a second. Vacancies occurring in any office shall be filled by the election of a successor to fill the unexpired term at the next regularly scheduled Board meeting.

The Chair shall have the following duties and Responsibilities:

- Preside at all meetings of the Board, maintain order in the meeting room by recognizing speakers, calling for votes, and presiding over the discussion of agenda items and generally being guided by Robert's Rules of Order, except as modified herein.
- Sign official documents that require the signature of the Chair, following a vote of the Board as required;
- Call special meetings of the Board in accordance with the Open Meeting Law;
- Review meeting agendas with the Town Manager;
- Represent the Board at meetings, conferences, and other gatherings unless otherwise determined by the Board or delegated by the Chair;
- Serve as spokesperson for the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chair; and
- Make liaison assignments, as appropriate, and assign overview responsibilities for projects and tasks to Board members unless otherwise determined by the Board.

The Chair shall have the same rights as other members to discuss questions, and to vote thereon.

The Vice-Chair shall act in the place of the Chair if absent at Board meetings. Should the Chair leave office, the Vice-Chair shall assume the duties of Chair until the Board elects a successor.

IV. Appointments

A. Board Members

The Board shall, after reorganizing each April, appoint for a term of one year a Board member or another appropriate individual to represent the Board in the following capacity:

- Massachusetts Bay Transportation Authority Advisory Board member
- Massachusetts Water Resources Authority Advisory Board member
- Metropolitan Area Planning Council member
- Metro-West Growth Management Committee member
- Metropolitan Planning Organization
- Real Property Committee member
- Permanent Building Committee member
- Athenaeum Hall Superintendent
- Traffic and Roadway Safety Committee
- MWRA Working Group
- MWRA Wastewater Advisory Board

Representatives appointed by the Board will represent the official positions of the Board, when such positions have been taken.

B. Volunteer Positions

The Board shall make its annual appointments of volunteer positions no later than its last regular meeting in May. Appointments shall have terms beginning on July 1 and expiring on June 30 and shall be for three (3) year terms or as required by state statute or Town by-law. In addition, as the need arises, the Board may make appointments throughout the year for terms to take immediate effect, with expiration dates of June 30. Incumbents shall continue to serve in office until a successor shall be appointed.

- A complete listing of all officials appointed by the Board is provided in Article I of the Town by-laws, and a regular updated listing of the current status of all officials is provided by the Town Clerk. Appointments shall be based on merit and qualifications. Where possible the Board will seek variety in backgrounds, interests, ages, genders, and geographic areas of residents, so that Town boards, committees and departments will reflect a true cross-section of the community.
- In order to attract qualified and interested persons, vacancies will be publicly advertised as far in advance of the appointment as practicable, with description of responsibilities and actions, and request for cover letters and resumes shall be given.

All applicants should submit a letter of interest and a resume. Notification of receipt and outcome will be sent to the applicant. The Selectmen's Office shall maintain a file of interested applicants.

C. Elected and Appointed Positions

The Town Manager will ensure that the Chair of the board on which a vacancy occurs is advised of the vacancy, and will seek nomination recommendations of a majority of the relevant committee. In the case of an incumbent seeking reappointment, the Chair of the committee shall provide the Board of Selectmen with the attendance history of the incumbent. Reappointment shall not be considered automatic, but shall be based on an evaluation of the appointee's past contribution to the board or committee. There is no limit to the number of terms which an appointee may serve, but all interested applicants will be considered for vacancies as they occur. To facilitate this process, the Selectmen's Office will maintain a listing of the Town residents who have expressed an interest in Town service, and the Board will be provided the names of all who have expressed interest in serving on a board, committee or commission before it votes to make the appointment by the Board. Town residents interested in serving must submit a letter of interest to the Selectmen.

Upon notification of a vacancy on an elected Town board, the Board and the remaining members of the elected board shall appoint a replacement, on a majority roll call vote of the combined boards, subject to MGL c.39 and Town by-laws. The new appointee shall be a registered voter in the Town of Framingham and shall serve only until the next annual Town election.

D. Establishment of Ad Hoc Committees

It is often necessary or desirable for the Board to appoint committees to investigate and to report to the Board on specific problems of general concern. The purpose of these committees is to develop greater expertise and more widespread participation than might otherwise be available. All committees appointed by the Board are advisory for it is the Board's ultimate responsibility to discharge its obligations.

The Board will give each advisory committee a written charge, which shall include the work to be undertaken, the time in which it is to be accomplished, and the procedures for reporting to the Selectmen. Each committee must report in writing at least annually to the Selectmen. The Selectmen's Office shall be sent copies of all committee agendas and minutes. The Board will discharge committees upon completion of their work.

The charges and membership of standing or long-term committees will be reviewed annually to assess the necessity and desirability of continuing the activity of the committee as well as to consider the contribution made by individual committee members. It is the policy of the Selectmen to appoint qualified citizens representing all segments of the Town to all boards and committees.

E. Dual Municipal Employees

The Board, in accordance with MGL c.268A, Section 20B, may designate “dual municipal employee” status for Town employees who seek to hold a second Town position. The designation applies to paid Town employees, both full- and part-time. The Board and those holding positions seeking dual municipal employee status must be familiar with the state statutes regulating conflicts of interest. The Board shall grant dual municipal employee status only if there is a substantial benefit, financial or otherwise, to the Town. Said status would allow the applicant to provide any product or service to the department, commission, committee, or board to which he or she is regularly associated.

When granting dual municipal employee status, the Board will establish the effective time period, normally not to exceed one year from the date of approval. Any employee having been granted said status is required to request, in writing, new approval on or before the expiration of the existing approval. As authorized in state statutes, the Board reserves the right to terminate its approval for any and all employees granted such status. A list of such approvals will be maintained on a current basis by the Selectmen’s Office and provided to each Board member. The Board will review all approvals annually at the Board’s first regular meeting in July.

F. Stipends

The Board shall review and vote on all stipends at its first regular meeting in July.

V. Annual Report of Town and Town Meeting Journal

The Board shall annually cause to be produced an “Annual Report for the Town of Framingham”. Said document shall report to the citizens of Framingham on the activities undertaken by the various agencies, committees, commissions, boards and officials, including a complete financial accounting, and shall be distributed at the first night of the Annual Town Meeting.

The Board shall also cause to be produced sufficient copies of submitted materials to assist Town Meeting members in their deliberation and discussion of all warrant articles placed before them. This may be distributed as the document known as the Town Meeting Journal, or in any format which the Board feels is relevant and responsive to the needs of the Town Meeting members.

VI. Conflict of Interest and Code of Conduct

Board members shall avoid conflicts of interest or even the appearance of conflicts of interest in strict compliance with all applicable by-laws and state statutes, including MGL c.268A.

VII. Meetings of the Board

The Board of Selectmen functions only when acting as a Board in a legally constituted session. The Board functions as a body in all policy decisions and all other matters as required by law or determined by a vote of the Board in formal session. Selectmen are

elected officials with responsibility to represent all segments of the community and there should be no restraint in the proper and reasonable exercise of this responsibility. The individual members of the Board shall respect their responsibility to other members of the Board so that the discharge of these duties may be accomplished in an expeditious and productive manner. Extended orations or arbitrary declarations are not conducive to intelligent and factual solutions to problems before the Board.

A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or controversial matters, the adoption of policy, or appointments shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second, and vote.

Split votes will be identified by name in meeting minutes. The Chair will announce the outcome of each vote taken.

Regular meetings of the Board shall be held in the Memorial Building as scheduled by the Board. Meetings shall be televised on the local cable access channel. Meetings falling on a legal holiday are usually canceled or rescheduled at the discretion of the Board.

In addition to regular meetings, the Chair may call from time to time, as needed, working sessions. Working sessions shall be duly posted and recorded as are all other meetings, but the Board will take no action or votes during such sessions. The sessions will allow the Board to meet informally to discuss and work on current issues. All meetings of the Board shall be held in places accessible to the handicapped.

Meetings of the Board may be convened at the direction of the Chair whenever circumstances require. These will normally be convened to address unfinished business, respond to emergency situations, or to conduct informal working sessions. The Board will notice and record minutes of all meetings as required by MGL c.39.

A. Agenda Setting and Support Material

The Town Manager bears primary responsibility for coordinating and planning the agenda for regular meetings of the Board. The Town Manager, in consultation with the Chair, shall prepare the agenda, and schedule a realistic time period for each appointment, interview, conference, or other scheduled item of business. All items to be considered must be submitted to the Selectmen's office by noon Monday. Items of an emergency nature that develop after the close of the agenda may be added to the agenda by the Chair. The agenda for a regularly scheduled Board meeting shall be prepared by noon on Tuesday.

Members of the Board, Staff, Town Manager or others who prepare background materials for a meeting should have such materials available by noon on Tuesday. If background information is insufficient or complex, any member should feel free to ask for additional time for careful study of an issue or a motion.

The Thursday agenda shall be available to the public and the press at the Selectmen's Office on Wednesday morning and shall be posted on the bulletin board outside the Ablondi Room that same day.

Copies of the minutes of previous meetings and all important correspondence, reports and other pertinent background materials shall be held in the Selectmen's Office for inspection by interested parties and the press. In addition, a reasonable number of copies should be made available to the public for their inspection on the night of the Selectmen's Meeting. A sign up sheet for Public Participation will be made available to the audience. Agenda items for Board meetings will be arranged in the following order unless otherwise determined by the Town Manager or Chair.

- I. Public Participation
- II. Conferences
- III. Reports
- IV. Presentations
- V. Town Manager's Report
- VI. Selectmen's Reports
- VII. Action Items
- VIII. Executive Session (if needed)

B. Public Participation

The purpose of Public Participation is to encourage the public to present to the Board matters of general interest and to request that the Board take action on them. Time shall be allotted for the public to address the Board at each open meeting. Such time shall be limited to fifteen minutes with no more than three minutes allowed to each topic except by majority consent of the Board. Speakers will be recognized subject to available time.

No person may address a meeting of a governmental body without permission of the Chair, and all persons shall be silent at the request of the Chair. If a person persists in disorderly behavior in such a meeting after warning from the Chair, the Chair may order him or her to withdraw from the meeting.

Members of the public who want to present matters during Public Participation must use the following procedure:

1. Sign their names on the sign up sheet that is available in the Meeting Room prior to the start of the meeting.
2. Give their residence address and whether they are speaking as agent or representative of another person or organization.
3. Name the subject matter on which they want to speak.

Speakers will be expected to use the following format when addressing the Board:

1. State the issue that they are bringing to the Board's attention.
2. Describe specifically the requested action by the Board.
3. State the reasons that support the requested action.
4. Observe proper decorum in referring to other persons.

The Board may take any of the following actions on matters that are initially presented during Public Participation:

1. Refer the matter to the Manager for study and report.

2. Defer discussion until later in the meeting when agenda items have been disposed of and invite Public Participation speakers to remain until that time.
3. Require that speaker(s) submit supporting information in writing for consideration by the Board and Manager.
4. Place the issue on the agenda for a subsequent meeting, request further input from the speaker to be presented at that time, and notify the speaker when the matter will be on the agenda.

C. Executive Session

Where practicable, Executive Session shall be scheduled at the end of the open meeting of the Board or on a night other than that of a Regular meeting, as permitted under M.G.L. Chapter 39, Section 23.

D. Public Hearings

Hearings before the Board shall be conducted in accordance with the following procedures, unless are necessary to comply with statutory requirements applicable to particular matters:

- The Town Manager will ensure that the hearing is advertised and notice given to interested persons, such as abutters, as required by statute or as directed by the Chair in the absence of statutory requirements;
- Hearings will be scheduled at the beginning of the meeting agenda;
- At the time advertised for the hearing, the Chair will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given;
- All questions shall be addressed to the Chair, and individuals may address the Board when recognized;
- The order of presentation will be: presentation by the proponent; receipt of recommendations from any Town board or officer; questions from Board members; and statements by members of the public an/or opponents; and
- At the conclusion of the hearing, the Board may render its decision or take the matter under advisement, announcing the intended date of decision.

E. Minutes of Meetings

The Office Manager shall attend Board meetings and draft minutes which will be made available to Board members in a timely fashion, (not to exceed fourteen days from the meeting date). The Office Manager shall be a confidential employee. Minutes circulated to members of the Board on or before the agenda is set for the subsequent meeting shall be considered at that meeting. Changes in the text of minutes shall be reviewed and agreed upon by a majority of voting Board members. The Town Manager shall periodically review and present for the Board's vote the minutes of meetings held in Executive Session, which may be released to the public. The Board shall release minutes of Executive Session at the earliest opportunity without compromising the nature of the matter discussed therein.

Minutes shall contain a full statement of all actions taken by the Board and of the disposition of all proposals for action. Minutes shall also contain sufficient detail so as

to allow any person to determine the intentions and/or votes of the Board in a particular matter. Approved minutes shall be recorded in a Minutes Book. Minutes of Board meetings held in Executive Session shall be kept separately and recorded in accordance with the procedures dictated above. Minutes (other than those of meetings in Executive Session which the Board has not voted to release) shall be open for public inspection during normal business hours.

IX. Communication with Appointed, Elected Officials, Employees and the Public

A. Town Boards, Commissions, Committees, and Elected Officials

The Board is aware that coordination and cooperation is needed among the Town's boards, committees, and commissions to provide efficient day-to-day operations of government. Cooperative relationships will enable the Board to set town-wide goals and priorities; identify and anticipate major problems, select effective activities directed toward their resolution; and develop a process for dealing with agencies of the state and federal government. These shall include but not be limited by the exchange of minutes, the establishment of a central repository for data, studies, and reports, and the invitation to Chairs of appropriate boards and committees to meetings of the Board on matters relevant to those boards or committees.

The Board shall at least once every two years convene a meeting of all town boards, commissions, committees and elected officials to provide a forum to discuss the priorities and budget of the Town.

- Town boards, committees, commissions or officials, elected or appointed, should direct inquiries regarding the day-to-day operations, budget or policies of a particular department through their professional staff or chair of their respective committee to the Town Manager or the Board. Elected or appointed officials will not interfere with department heads or Town employees on matters that relate to the administration or management of a particular department. It is important that the Town Manager retain overall control and jurisdiction over Division Heads and their employees, and that there be no interference from Town officials in this area.
- Board members are free to speak with Town employee and department heads to refer complaints or to make routine inquiries. However, a Board member or other elected or appointed official wishing an in-depth inquiry into a department's policies, procedures, or operations must make such a request during a regular Board meeting in open session and receive approval by the Board by consensus or Board vote or receive said approval from the Town Manager.

B. Citizen of Framingham

In recognizing that it both represents and is accountable to the residents of the Town, it is the policy of the Board to make every effort to strengthen communications with citizens. The Board will act to increase citizen participation, encourage citizen input into government decisions, and to keep residents informed of all actions contemplated

or taken by the Board that will affect them. To this end, the Board will take the following steps:

- In addition to Citizen Participation, a resident or group of residents may request a meeting with the Board by contacting the Selectmen's Office, stating precisely the reason for the appearance and the Board action desired and by naming a spokesperson for the group. As circumstances permit, such a meeting will be incorporated into the agenda of a regularly scheduled Board meeting if the issue cannot be satisfactorily resolved by the Town Manager. Participants shall be allowed to make a reasonable presentation through the spokesperson and to express opinions and to ask for pertinent information. Residents making such presentations are encouraged to prepare written materials for the Board's review;
- The Selectmen's Office will ensure that persons who will be directly affected by proposed Board discussion or action will be notified of the date and time of the meeting at which the matter will be discussed or acted upon by the Board;
- When the Board is considering matters of citizens concern at a regular meeting, the public will be allowed to ask questions or make brief statements relative to the matter under consideration at the discretion of the Chair; and,
- The Town Manager and Chair will ensure that all citizen questions and complaints are answered promptly. Matters requiring the attention of the full Board shall be included in the agenda of the next regular Board meeting